

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
3470 Twelfth Street, Riverside, CA 92501  
CIVIL MINUTES -- GENERAL

JS - 6

Case No. EDCV 09-00002 SGL (SSx)

Date: January 29, 2009

Title: JESUS ZEPEDA and EMILIA MARTINEZ -v- AMERICA'S SERVICING COMPANY,  
OCWEN LOAN SERVICING LLC, DOES 1-10

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes  
Courtroom Deputy Clerk

None Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: IN CHAMBERS (No Proceedings Held)

ORDER GRANTING DEFENDANT OCWEN LOAN SERVICING'S MOTION  
TO DISMISS (DOCKET # 3); ORDER VACATING FEBRUARY 9, 2009,  
HEARING

On January 9, 2009, defendant Ocwen Loan Servicing filed a motion to dismiss all the claims against it in the complaint. The caption on defendant's motion showed that the hearing on it was noticed for March 23, 2009. The Court thereafter re-scheduled the hearing on the motion to February 9, 2009. In the order re-scheduling the matter to the present hearing date, plaintiffs were specifically apprised that they had until January 26, 2009, to file an opposition to the motion to dismiss.

This district's Local Rules provide that "[e]ach opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances." See Local Rule 7-9. Accordingly, plaintiffs had until January 26, 2009, to file an opposition to defendant Ocwen Loan Servicing's motion to dismiss. The time for plaintiff to file their opposition has come and gone without them doing so.

Plaintiffs' failure to file an opposition to defendant Ocwen Loan Servicing's motion to dismiss

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Initials of Deputy Clerk: jh

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MINUTE ORDER of January 29, 2009

is deemed by this Court as plaintiffs' consent to the granting of the same. See Local Rule 7-12 ("The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion"); see also *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (holding that district court did not err in summarily granting defendants' motion to dismiss pursuant to a local rule where the pro se plaintiff had time to respond to motion but failed to do so).

Accordingly, defendant Ocwen Loan Servicing's motion to dismiss is **GRANTED** and all the claims in the complaint against Ocwen Loan Servicing are hereby **DISMISSED**.

The previously noticed February 9, 2009, hearing on the motion to dismiss is hereby **VACATED**.

IT IS SO ORDERED.